

Appl. No. : 10/043,647  
Filed : January 10, 2002

### REMARKS

Claims 1, 3-13, and 15-16 are currently pending in this application. Claims 2 and 14 have been canceled. Claims 1, 4, and 13 are amended herein.

#### Examiner Interview

On May 4, 2004, Applicants' representative, Adeel Akhtar, participated in an interview with the Examiner, Christopher Calivoda, and his supervisor, Nikita Wells. The Examiner indicated that amendments to the independent claims to include references to tap, cryptosporidium, and flow rates/gravity feed would likely be entered and considered as not introducing new issues. For example, Claim 1 incorporates deleted Claim 2, in addition to reference to cryptosporidium. Applicants have so amended the independent claims and have used existing claim language to the extent possible. All amendments are supported by the specification as originally filed.

#### Rejections Under 35 U.S.C. §102

Claims 1, 8, and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by Gadgil et al., U.S. Patent No. 5,730,860. Claim 1 has been amended to recite that the feed water delivery system is adapted to connect to a household tap and an air-suspended UV lamp capable of providing narrowband UV radiation sufficient to inactivate *Cryptosporidium parvum* oocysts. Such amendment is supported by the specification, as originally filed, for example at paragraphs [0010] and [0019]. Applicants respectfully traverse findings that Gadgil et al. meet the recited flow rates, but submit that the rejections are moot in view of the amendments made herein.

Applicants respectfully submit that neither Gadgil et al. nor any of the other cited references discloses a UV water disinfectant having a feed water delivery system adapted to connect to a household tap, including an air-suspended UV lamp, wherein water is driven through the treatment chamber by gravity, as recited by Claim 1, as amended.

Claim 1 is therefore not anticipated by Gadgil et al. Claims 8 and 9 are also novel over the cited references at least because they depend directly from Claim 1, which is patentable, as discussed above. Furthermore, each of the dependent claims recites further distinguishing

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features of particular utility. The non-obviousness of Claims 1, 8, and 9 will be discussed in detail below.

**Rejections Under 35 U.S.C. §103**

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gadgil et al. in view of Kool et al., U.S. Patent No. 6,533,930. Claims 3 and 10-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gadgil et al.

Claim 2 has been canceled herein and incorporated into Claim 1. As noted above, Claim 1 has been amended to recite features that are neither taught nor suggested by the art of record. Claim 13 has been similarly amended to recite a feed water delivery system and treatment chamber configured to receive water from a household tap and to treat water under the influence of gravity at a rate of less than about eight liters per minute, and a UV lamp capable of providing narrowband UV radiation sufficient to inactivate *Cryptosporidium parvum* oocysts. Such amendment is supported by the specification, as originally filed, for example at paragraphs [0010] and [0019].

As noted above, none of the cited references teaches or suggests a UV water disinfecter having a feed water delivery system configured to receive water from a household tap, operate under the influence of gravity, and an air-suspended UV lamp, as recited by Claims 1 and 13, as amended. Claims 1 and 13 are therefore patentable over the cited references. Claims 3 and 10-12, which depend from Claim 1, and Claims 15-16, which depend from Claim 13, are also patentable because they depend from Claim 1 or Claim 13, which are patentable as discussed above. Furthermore, each of the dependent claims recites further distinguishing features of particular utility.

Claims 4-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gadgil et al. in view of *Cryptosporidium Inactivation By Low Pressure UV In a Water Disinfection Device* by Drescher, Greene, and Gadgil ("Drescher et al."). Claim 4 has been amended to recite narrowband UV radiation at a dosage of about 120 mJ/cm<sup>2</sup>.

In the Declaration of Ashok Gadgil of Prior Inventorship Under 37 C.F.R. §1.131 filed herewith, Ashok Gadgil, one of the named inventors of the claimed invention, declares that the claimed invention was conceived of well before the publication date of *Cryptosporidium*

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Inactivation By Low Pressure UV In a Water Disinfection Device by Drescher, Greene, and Gadgil ("Drescher et al."). Mr. Gadgil also declares that the claimed invention was diligently reduced to practice throughout the period from conception (which was prior to the publication date of Drescher et al.) up until reduction to practice of the invention, which was completed prior to the publication date of Drescher et al. The date of constructive reduction to practice is the filing date of January 11, 2001 of U.S. Provisional Application No. 60/261,120 (to which the above-captioned application claims priority). Therefore, Drescher et al. cannot be prior art under 35 U.S.C. §102 (a), (e), or (g). Furthermore, Applicants respectfully submit that the Drescher et al. article cannot be cited as prior art under 35 U.S.C. §102 (b) because the date of the article, January 12, 2000, is less than one year before the priority date of this application, January 11, 2001 (U.S. Provisional Application No. 60/261,120).

Thus, Drescher et al. is unavailable as a reference to provide the requisite motivation to adapt Gadgil et al. to meet the claim recitations. Furthermore, Applicants respectfully submit that Claims 4-7 are patentable because they depend, either directly or indirectly, from Claim 1, which is patentable. Furthermore, each of the dependent claims recites further distinguishing features of particular utility.

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**Conclusion**

Applicants respectfully submit that all of the pending claims are patentably distinguishable over the prior art of record. The cited references, neither alone nor in combination, do not teach or suggest the claimed invention.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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